

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

TOMITA TECHNOLOGIES USA, LLC, and
TOMITA TECHNOLOGIES INTERNATIONAL,
INC.,

Plaintiffs,

v.

NINTENDO CO., LTD. and NINTENDO OF
AMERICA INC.

Defendants.

11 Civ. 04256 (JSR)
ECF Case

**NOTICE OF MOTION IN SUPPORT
OF DEFENDANTS' MOTION TO
TRANSFER VENUE**

Time: September 9, 2011 at 5:00 p.m.

Before: The Honorable Jed S. Rakoff

Location: Court 14B
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Room 1340
New York, NY 10007-1312

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD HEREIN:

Please take notice that pursuant to 28 U.S.C. § 1404, defendants Nintendo Co., Ltd. and Nintendo of America Inc. (collectively "Nintendo") move to transfer venue of the above-captioned action to the U.S. District Court for the Western District of Washington.

During a joint conference call on Thursday, August 4, 2011, the Court set the following briefing and hearing schedule for the present motion:

Deadline for Nintendo to submit its Notice of Motion and Motion Thursday, August 11, 2011

Deadline for Plaintiffs to Respond to Nintendo's Motion Thursday, August 25, 2011

Deadline for Nintendo to submit its reply brief Thursday, September 1, 2011

Oral Argument on Nintendo's Motion Friday, September 9, 2011 at 5:00 p.m.

Nintendo bases its motion upon this Notice of Motion; the accompanying Memorandum of Law; the declaration of Toshiro Hibino; the declaration of Jacqueline Story, and the declaration of James S. Blank, filed concurrently with this motion.

Dated: August 11, 2011
New York, New York

Respectfully submitted,

KAYE SCHOLER LLP

By: /s/ James S. Blank
James S. Blank
Scott G. Lindvall
Stephen J. Elliott
425 Park Avenue
New York, New York 10022
Tel: (212) 836-8000
Fax: (212) 836-8629

Attorneys for Defendants